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CrI.O.P.No.14235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.14235 of 2024

K.Kesavan

... Petitioner

Vs.

1.E.Chitra

2.Minor K.Subrashri

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the return docket order dated 22.05.2024 and to number the M.P.Sr.No.1758 of 2024 in M.C.No.04 of 2024, on the file of Family Court, Tiruvallur.

For Petitioner : Mr.K.Balasubramaniam

ORDER

The petitioner is the respondent in a Maintenance Case pending on the file of the Family Court, Thiruvallur. The petitioner has filed an application under Section 91 r/w 126(3) of Cr.P.C., for production of certain records pertaining to salary details of the respondent. The Family Court has returned the petition stating that before filing counter in the Maintenance Case, petition to issue summon the witnesses is not maintainable.



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2. The learned counsel appearing for the petitioner now states that the counter filed along with the statement of assets and liability been returned to rectify certain defects. The petitioner is ready to cure the defects and represent the counter and also states that after taking the counter on file, the trial Court may cause summons to the witnesses as prayed in the application filed under Section 91 Cr.P.C.,.

3. This Court finds that the reasons stated in Section 91 Cr.P.C., petition for issuing summons for production of documents is that it disclose the related and relevant material to the issue which is to be decided in the Maintenance Case and therefore, the trial Court shall pass appropriate orders and consider the facts before passing any order granting maintenance in the pending Maintenance Case.

4. With this observation, this Criminal Original Petition is disposed of accordingly.

20.06.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

WEB COM The Family Court, Tiruvallur.

Dr.G.JAYACHANDRAN,J.



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